

EXPRESS MAIL CERTIFICATE

Date 9/27/02 Label No. 87600961-05

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

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DAC/B

V. Douglas  
#9/Petition  
1-15-03

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 2309/0F390US0



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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OCT 08 2002

TECHNOLOGY CENTER R3700

Applicant: Yoshihisa FUJIOKA et al.

Serial No.: 09/274,197

Group Art Unit: 3761

Filed: March 22, 1999

Examiner: Reichle Karin M.

For: ABSORBENT ARTICLE FOR PREVENTION OF SIDEWARD LEAK

**PETITION UNDER 37 C.F.R §1.181 TO RESET THE SHORTENED STATUTORY PERIOD IN WHICH TO RESPOND TO A NOTICE OF NON COMPLIANT RESPONSE**

September 26, 2002

**BOX DAC**

Assistant Commissioner of Patents  
Washington, DC 20231

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OCT 07 2002

Sir:

OFFICE OF PETITIONS

1. Petition is hereby made to established a new shortened statutory period for responding to an Office Action.
2. A copy of a First Office Action dated August 30, 2001 is submitted herewith. (Exhibit A)

3. A copy of an Amendment and Response dated November 29, 2001, which was filed in response to the Office Action of August 30, 2001 is submitted herewith. (Exhibit B)
4. A copy of a Status Request dated July 8, 2002 is submitted herewith. (Exhibit C)
5. A copy of an Interview Summary dated September 13, 2002 is submitted herewith. (Exhibit D)
6. The reason why a new shortened statutory period for responding to a first Office Action is necessary in this case is as follows:

The Office Action (Exhibit A) was considered by Examiner Karin M. Reichle, indicating that she considered the application on or about August 30, 2001.

Applicant subsequently prepared and mailed an Amendment and Response (Exhibit B) to the August 30, 2001, Office Action on November 29, 2001.

According to the PALM system, the Office Action was received, but a Notice of Non-Compliance Response was mailed on January 24, 2002, which set a thirty shortened statutory date for response of February 24, 2002.

To date, Applicant has not received a copy of the Notice of Non-Compliant Response. A check of the records indicates that the correspondence address that is on record with the PTO is the present address of the undersigned.

In response to Applicant's failure to respond to the outstanding Notice, the Examiner responsible for the above referenced application contacted the Office of the undersigned on September 9, 2002 to ascertain whether the application was indeed abandoned.

Applicant informed the Examiner that the Notice was not received and that a Status Request had been filed (Exhibit C). A response to the Status request is yet to be received by the Office of the undersigned.

Per the Examiner's suggestion as summarized in Interview Summary (Exhibit D), Applicant is requesting that the period for responding to the Notice of Non-Compliant Response be reset.

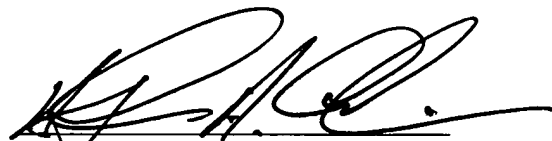
Based on the foregoing, applicant respectfully maintains that the mailing system suffered a lapse by which the timely and guaranteed receipt of mail was disrupted. Based on this, Applicant has been deprived of a full and fair opportunity to respond to the Office Action dated August 30, 2002.

Based on the foregoing, Applicants respectfully maintain that the establishment of a new shortened statutory period for responding to a first Office Action is in order, and a notice to this effect is respectfully solicited.

7. The petition fee under 37 C.F.R. § 1.17(h) is paid as follows:

A check in the amount of \$130.00 is attached.

Respectfully submitted,



Alphonso A. Collins  
Reg. No. 43,559  
Attorney for Applicant(s)

Date: September 27, 2002

DARBY & DARBY P.C.  
805 Third Avenue  
New York, New York 10022  
212-527-7700



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

HAC

SR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/274.100

03/22/99

FUJIOKA

Y

038970P090

DUE: November 30, 2001

EXAMINER

DARBY & DARBY  
505 THIRD AVENUE  
NEW YORK NY 10016

Docketed on 9/5 by DP for

Docketed without file ☐

Attorney VAC

ART UNIT

PAPER NUMBER

DATE MAILED:

08/08/01

2-28-02

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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OCT 07 2002

OFFICE OF PETITIONS

# Office Action Summary

Application No.

09/27/1997

Applicant(s)

Fujitsu et al

Examiner

Reiche

Group Art Unit

3761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 3-22-97
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-30 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on 3-22-97 is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3941
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Application/Control Number: 09/274,197

Art Unit: 3761

The abstract of the disclosure is objected to because on line 4, after "faces" a word or words appears to be missing. Correction is required. See MPEP § 608.01(b).

The drawings are objected to because in Figures 1A and 2 the line from 23 should be dashed to denote underlying structure. This also applies to be the line from 24 and the members 24 in Figure 1A-2. In Figures 2, 3, 5, the lines from 24 and 5 should be dashed to denote underlying structure. In Figure 4, the same lines extend to two different denotations, 22a and (a), which should be avoided. Differently configured structures have been given the same designation, 28, in Figure 1C and 5. Where in Figure 4 are elements 26 and 28? In Figures 6A-6B, and 8A-9, the elastic members should be shown by dashed members. Correction is required.

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 6, line 1, page 16, line 18.

The disclosure is objected to because of the following informalities: The Summary of the Invention Section, i.e. a description of the claimed invention, and the invention as claimed, i.e. dependent claims, is not commensurate in scope. See MPEP 608-01(d) and 1302.01.

Appropriate correction is required.

Claims 1-20 are objected to because of the following informalities: in claim 1, line 2, "which faces the wearer" should be --which faces a wearer in use --. On line 3, before "another",

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-- the -- or -- said -- should be inserted. In regard to claim 12, see discussion of claim 1. In claims 19-20, line 3, before "another", -- the -- or -- said -- should be inserted.

. Appropriate correction is required.

Claims 1-11 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, the preamble, i.e. "to be ... article" and line 3, "in contact with", are inconsistent. i.e. is the invention both articles or just one? In claims 5 and 6, are the openings in these claims and that in claim 1 one and the same? In regard to claims 7-10, a positive structural antecedent basis for "the adhesive means" should be defined. In claim 17, a positive structural antecedent basis for "the side layers" should be defined, i.e. on line 2 of claim 16 should "both" be -- each --?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-6, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by The

P&G Company, EP '314.

P&G Company, EP '314.

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See Figures, page 4, lines 37-50, page 5, lines 15-36, page 7, lines 41-44, page 6, line 54-  
page 7, line 1, page 7, lines 13-19, 29-32, 41-44 and page 9, lines 30-32 (claim 3). Claim 11: see  
elements, e.g., 70, 71, 72, 73.

Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Karami '310.

See Figures (first adhesive is adhesive 20, 22 revealed in Figure 1, and second adhesive is  
adhesive under nonstripped away 24 adjacent revealed adhesive, liquid side layer of claim 16 is  
shown having holes 28 in Figure 3).

Claims 1-7, 9-14, 16-17 and 19-20 are rejected under 35 U.S.C. 102(b) as being  
anticipated by Ahr et al '624.

See Figures and column 4, line 21 - column 5, line 47, see especially column 5, lines 32-35  
(claims 3, 7, 9-10, 14, 17), col. 5, lines 17-20 (claims 7, 9-10, 14, 17), col. 4, lines 22-30 (claim 11),  
col. 5, lines 24-27 (claims 14 and 17), column 4, lines 62-63 (claim 16), element 36 (claims 19-  
20).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahr 'H1724.

See Figures, column 6, lines 41-46 and column 4, lines 39-43.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness  
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
manner in which the invention was made.



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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahr et al '624.

Applicant claims a first adhesive in a striped pattern. While Ahr et al discloses a first adhesive, column 5, lines 31-35, the pattern thereof is not disclosed. However, see Ahr et al '624, col. 4, lines 25-30, i.e. striped pattern of adhesive is attachment means well known in art. To make the adhesive of Ahr et al of a striped pattern would be obvious to one of ordinary in the art in view of the recognition that such pattern is well known for adhesives defining attachment means.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other patents show various article combinations or attachment means.

Application/Control Number: 09/274,197

Art Unit: 3761

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617

K. Reichle:bhw  
August 20, 2001

*K.M. Reichle*  
**Karin M. Reichle**  
Patent Examiner

**LIST OF REFERENCES CITED BY APPLICANT**

(Use Several Sheets if Necessary)

DOCKET NO.: 2309/0F390 SERIAL NO: 09/274,197  
APPLICANT: Yoshihisa FUJIOKA FILING DATE: March 22, 1999

**U.S. PATENT DOCUMENTS**

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>NAME</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>FILING DATE</u>
<i>me</i>	4,405,310	09/20/83	Karami	604	383	10/27/81

**FOREIGN PATENT DOCUMENTS**

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>TRANSLATION YES NO</u>
	<del>97</del> 97/19663	06/05/97	PCT International	—	—	
	0319314 <del>AZ</del>	06/07/89	Europe	—	—	

**OTHER REFERENCES****(INCLUDING AUTHOR, TITLE DATE, PERTINENT PAGES, ETC.)**

European Search Report and Annex

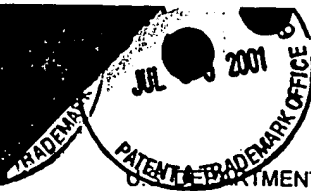
\*EXAMINER  
INITIALS

EXAMINER: K.M. Reiche DATE CONSIDERED: 8-15-01

\*EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

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**LIST OF REFERENCES CITED BY APPLICANT**

(Use Several Sheets if Necessary)

DOCKET NO.: 2309/OF390  
APPLICANT: Yoshihisa FUSIOKA

SERIAL NO: 09/274,197  
FILING DATE: March 22, 1999  
CONFIRMATION NO:

**U.S. PATENT DOCUMENTS**

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>NAME</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>FILING DATE</u>
<i>mm</i>	1. 5,236,428	8/17/93	Zajackowski	<del>604/382</del>	<del>604/385</del>	3/19/92
	2. 4,938,756	7/3/90	Salek	<del>604/368</del>	<del>604/378</del>	12/3/85

**FOREIGN PATENT DOCUMENTS**

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>TRANSLATION YES NO</u>
<i>mm</i>	3. EP 0 557 047 B2	3/9/97	EP	—	—	X

**OTHER REFERENCES**  
**(INCLUDING AUTHOR, TITLE DATE, PERTINENT PAGES, ETC.)**

\*EXAMINER  
INITIALS 4. Search Report dated 12/20/00

EXAMINER: K.M. Reiche

DATE CONSIDERED 8/5-01

**\*EXAMINER:**

Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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JUL 13 2001  
TECHNOLOGY CENTER R3700

# **Notice of References Cited**

Application No.

09/274477

Applicant(s)

Fujitsu Ltd.

Examiner

Rentz

Group Art Unit

1761

Page 1 of 1

## **U.S. PATENT DOCUMENTS**

* A	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	H 172-1	7-53			35.761
B	3,451,757	4-71			35.72
C	3,550,911	6-75			35.72
D	3,777,135	12-77			
E	4,324,244	4-80			
F	5,295,958	3-7-1	Proctor, Fredrick	604	35.50
G	5,400,671	10-95	App. et al.	604	35.50
H	5,556,313	9-76	Kennedy	604	367
I	5,914,137	6-74	Chen et al.	604	35.7
J					
K					
L					
M					

## **FOREIGN PATENT DOCUMENTS**

* N	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

## **NON-PATENT DOCUMENTS**

* U	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

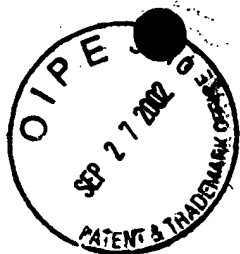
**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



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Return of this card properly stamped, will acknowledge receipt of:  
an Amendment and a Mark-Up copy of the Amendment, an  
Abstract of the Disclosure and a Mark-Up copy of the Abstract.

Applicant	: Yoshihisa FUJIOKA et al.
Title	: ABSORBENT ARTICLE FOR PREVENTION OF SIDEWARD LEAK
Serial No.	: 09/274,197
Filed	: March 22, 1999
Attorney	: AAC:sw
File No.	: 2309/OF390
Mailed:	11/29/01
Mailer:	AD

EU004808637US

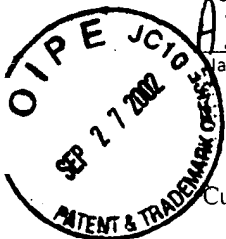
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Date 11/29/01 Label No. EV 004808637 US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service and that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

A. DiLullo J. DiLullo  
Name (Print) Signature

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OR CREDIT ANY EXCESS IN FUTURE FEES DUE  
WITH RESPECT TO THIS APPLICATION TO OUR  
DEPOSIT ACCOUNT NO. 04-0100



Customer No.



07278

PATENT TRADEMARK OFFICE

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OCT 08 2002

TECHNOLOGY CENTER R3700

Docket No: 2309/0F390

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yoshihisa FUJIOKA et al.

Serial No.: 09/274,197

Art Unit: 3734

Filed: March 22, 1999

Examiner: REICHLE, K.

For: ABSORBENT ARTICLE FOR PREVENTION OF SIDEWARD LEAK

November 29, 2001

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

The following amendments and remarks are respectfully submitted in response to  
the Office Action dated August 30, 2001.



**IN THE ABSTRACT:**

In response to the requirement on page 1 of the Office Action, a Substitute Abstract of The Disclosure is submitted on a separate page attached hereto (see the accompanying marked up version).

**IN THE SPECIFICATION:**

Please amend the specification pursuant to 37 C.F.R. §1.121 as follows (see the accompanying "marked up" version pursuant to 1.121):

Delete page 1, and insert the following new page 1:

**ABSORBENT ARTICLE FOR PREVENTION  
OF SIDEWARD LEAK**

**FIELD OF THE INVENTION**

The present invention relates to an absorbent article, including urine-absorbent pads, which is used inside a disposable diaper, and a sanitary napkin which is laid on top of the article to provide an absorbent article which exhibits excellent liquid-absorbing properties.

## BACKGROUND OF THE INVENTION

A common means for caring for individuals suffering from incontinence is the use of an absorbent article, such as a urine-absorbent pad, worn inside a disposable diaper. A conventional urine-absorbent pad contains a facing layer and a backing layer, with an absorbent core interposed between the layers. The facing layer, which faces the wearer during use, is liquid-permeable. The backing layer, which faces the disposable diaper during use, is liquid-impermeable. The absorbent core is formed from crushed pulp or a mixture of crushed pulp and super absorbent polymer (SAP). In addition, the urine-absorbent pad has an adhesive layer which sticks to the inside of the disposable diaper for preventing the urine-absorbent pad from slipping out of place in the disposable diaper.

The urine-absorbent pad receives a liquid insult directly in the case of an incontinence episode, and has the capacity to retain an amount of urine excreted by an adult during one or two incontinence episodes. The pad must be replaced as it is saturated with urine, which depends on the frequency of episodes, in order to prevent liquid from moving to the disposable diaper. Thus, it is possible to avoid the replacement of the disposable diaper by frequently changing the wet pad. However, this is not always possible, such as during periods of sleep, when the urine-absorbent pad is left in place for a long time. After repeated liquid insults, the urine-absorbent pad cannot absorb additional liquid, which results in excess liquid leaking from the pad.

The problem is that the excess liquid flows to the side or periphery

Delete page 2 and insert the following new page 2:

(which is in contact with the groin) rather than to the center of the disposable diaper (absorbent area of the disposable diaper), because the backing layer of the urine-absorbent pad is impermeable to liquid and faces the center of the disposable diaper. The periphery of the conventional disposable diaper does not absorb urine sufficiently, thereby causing it to leak at the sides of the diaper, which results in wet clothes or sheets. This same problem also occurs if two sanitary napkins are worn together on top of each other.

#### SUMMARY OF THE INVENTION

The present invention provides an absorbent article that prevents liquid from leaking from the sides of the article.

The invention further provides an absorbent article which efficiently absorbs liquid when used in combination with another absorbent article.

In one embodiment of the invention, a first absorbent article is worn inside of a second absorbent article, wherein the first article contains a liquid-permeable facing layer which is in contact with the wearer, and a backing layer which is in contact with a second absorbent article. Here, the backing layer is formed from a liquid-impermeable sheet and has at least one opening made therein. In addition, an absorbent core is interposed between the facing layer and the backing layer.

In another embodiment of the invention, a first absorbent article is worn inside of a second absorbent article, wherein the first article contains a liquid-permeable facing layer

which is in contact with the wearer, and a liquid-permeable backing layer which is in contact with the second article, and an absorbent core interposed between the facing layer and the backing layer.

The absorbent article of the present invention is designed for wear inside of another absorbent article such as a disposable diaper, urine-absorbent pad, or sanitary napkin. The absorbent article absorbs a certain amount of liquid by the absorbent core but permits excess liquid which remains unabsorbed by the core to pass through the backing layer for absorption by another absorbent article such as a

Delete page 3 and insert the following new page 3:

disposable diaper. Accordingly, the leakage of excess liquid from the side of the absorbent article is prevented.

The absorbent article can be modified such that the backing layer is provided with a liquid-impermeable covering sheet that can be removed at any time when necessary. With the covering sheet on, it stops the flow of urine; with the covering sheet removed, it permits the passage of urine. When frequent changes of the absorbent article are possible, such as during the daytime, it may be used with the covering sheet attached to prevent frequent replacement of the second absorbent article (e.g., a disposable diaper) used in combination with absorbent article. When frequent changes are unlikely, such as during periods of sleep, the absorbent article may be used with the covering sheet removed, thereby absorbing liquid efficiently and securely in combination with another absorbent article.

The absorbent article can be modified such that the backing layer is provided with an adhesive means for fastening the backing layer to another absorbent article. In such a structure, the absorbent article will not slip out of place, and the movement of liquid to the other absorbent article is ensured.

#### BRIEF DESCRIPTION OF THE DRAWINGS

**Fig. 1(A)** is a perspective view showing a urine-absorbent pad as an example of an absorbent article according to the invention;

**Fig. 1(B)** is a plan view of the urine-absorbent pad shown in **Fig. 1(A)**, as viewed from a backing layer, with a covering sheet attached;

**Fig. 1(C)** is a plan view of the urine-absorbent pad shown in **Fig. 1(B)**, as viewed from the backing layer, with the covering sheet removed;

**Fig. 2** is a perspective view which illustrates how the urine-absorbent pad of **Fig. 1(A)** is used in combination with a disposable diaper;

**Fig. 3** is a plan view which illustrates how the urine-absorbent pad shown in **Fig. 1(A)** is used in combination with a disposable diaper;

**Fig. 4** is a schematic sectional view taken along the line IV-IV in **Fig. 3**;

Delete page 4 and insert the following new page 4:

**Fig. 5** is a perspective view of the urine-absorbent pad shown in **Fig. 1(A)** which is folded for use by a man, with its shape modified so as to enclose a penis;

**Fig. 6(A)** is a plan view of a urine-absorbent pad as another example of the absorbent article according to the invention, as viewed from a backing layer, with a covering sheet attached;

**Fig. 6(B)** is a plan view of the urine-absorbent pad shown in **Fig. 6(A)**, as viewed from the backing layer, with the covering sheet removed;

**Figs. 7(A)** and **7(B)** are perspective views of examples of openings;

**Fig. 8(A)** is a plan view of a urine-absorbent pad as another example of the absorbent article according to the present invention, as viewed from a backing layer, with a covering sheet attached;

**Fig. 8(B)** is a plan view of the urine-absorbent pad shown in **Fig. 8(A)**, as viewed from the backing layer, with the covering sheet removed; and

**Fig. 9** is a plan view of another embodiment of the urine-absorbent pad shown in **Fig. 8(A)**, with the covering sheet removed.

#### DETAILED DESCRIPTION OF THE INVENTION

A urine-absorbent pad, as an example of one embodiment of the absorbent article according to the invention, is shown in **Fig. 1(A)** (perspective view), **Fig. 1(B)** (plan view as viewed from a backing layer, with a covering sheet attached), and **Fig. 1(C)** (plan view as viewed from the backing layer, with the covering sheet removed).

The urine-absorbent pad **20** comprises a liquid-permeable facing layer **21** which faces the wearer during use, and a backing layer **22**, which faces a disposable diaper during use, and an absorbent core **23** which is interposed between the two layers.

The facing layer **21** can be made from a nonwoven fabric of hydrophilic fibers hydrophobic fibers containing a hydrophilic surfactant, or the like.

Delete page 5 and insert the following new page 5:

The facing layer **21** can be formed by various processes such as point bonding, through-air bonding, spun bonding, or spun lacing.

The backing layer **22** is made of a liquid-impermeable, breathable sheet of resin, such as polyolefin.

The absorbent core **23** is formed from crushed pulp or a mixture of crushed pulp and Super-Absorbent Polymer (SAP), and is covered with an absorbing sheet **23a** such as tissue. (See Fig. 4.) The Sap can be made of polyacrylic acid, sodium polyacrylate, polyacrylamide, polyacrylonitrile, polyvinyl alcohol, an addition polymer of maleic anhydride, a polyether, a condensed polymer, a polysaccharide such as starch or cellulose, a protein such as collagen and the like. Examples of the SAPs include a cross-linked compound of sodium polyacrylate, a graft copolymer of starch having sodium polyacrylate and a graft copolymer of cellulose having polyacrylonitrile chains.

The absorbent core **23** is rectangular in shape as indicated by the dotted lines in Figs. 1(B) and 1(C). It may also take on an hourglass shape. With the absorbent core **23**

interposed between the facing layer **21** and the backing layer **22**, the layers are then bonded together with a hot-melt adhesive, or the like, along the periphery of the absorbent core **23**.

As used herein, the "absorbing area" refers to the area which is surrounded by the dotted lines in **Figs. 1(B)** and **1(C)** and the area of the absorbent core **23**.

The urine-absorbent pad **20** has elastic members **24** which are disposed between the facing layer **21** and the backing layer **22** and extend in the lengthwise direction (**Y** direction) of the urine-absorbent pad **20**. The elastic members **24** exist in side areas where the absorbent core **23** is absent (i.e., outside of the absorbing area in the widthwise direction (**X** direction) of the urine-absorbent pad **20**). The elastic members **24** are bonded to the facing layer **21** and the backing layer **22** when stretched in the **Y** direction (with a certain elongation percentage). In their free state, they shrink in the **Y** direction, causing the facing layer **21** and the backing layer **22** to form gathers **25** on both side areas of the urine-absorbent pad **20** in the **X** direction.

Delete page 6, and insert the following new page 6:

As shown in **Fig. 1(C)**, the backing layer **22** is made of a liquid-impermeable resin sheet and has openings **22a**, through which openings the absorbing sheet **23a** (e.g., tissue) covering the absorbent core **23** is exposed. In this embodiment, the openings **22a** constitute liquid-passing areas indicated by **(a)**.

The openings **22a** (or the liquid-passing areas **(a)**) are arranged side by side approximately at the center of the absorbing area in the widthwise direction (**X** direction) and are elongated parallel to each other in the lengthwise direction (**Y** direction). In other words, they



are situated substantially at the center of the absorbing area. The area of the openings **22a** is smaller than that of the absorbing area.

The backing layer **22** has an adhesive layer **26** as an adhesive means. The adhesive layer **26** is formed on the backing layer **22** in such a way as to surround the openings **22a** individually. This adhesive layer **26** aids in fastening a covering sheet **27** to the outside of the backing layer **22**, as shown in **Fig. 1(B)**. Thus the covering sheet **27** closes the openings **22a**. In other words, the adhesive layer **26** surrounds the openings **22a** completely, and the covering sheet **27** is bonded to this adhesive layer **26**. Therefore, with the covering sheet **27** attached, the liquid-passing areas (**a**) are closed and the backing layer **22** of the urine-absorbent pad **20** prevents liquid from passing through.

The covering sheet **27** is made of a liquid-impermeable and breathable sheet of resin such as polyolefin, like the backing layer **22**. The adhesive layer **26** is formed from a gum adhesive or acrylic resin to permit removal of the covering sheet **27** at any time from the backing layer **22**, and retains a certain adhesive power even after the covering sheet **27** has been removed. When the urine-absorbent pad **20** is used in combination with a disposable diaper, the adhesive layer **26** (with the

Delete page 7 and insert the following new page 7:

covering sheet **27** removed) adheres to the inside of the disposable diaper. As a result, the urine-absorbent pad **20** is prevented from slipping out of place. In addition, because the

urine-absorbent pad 20 is in contact with the disposable diaper, the passage of urine to the disposable diaper is secured.

The covering sheet 27 has a tab 27a formed at its end. This tab 27a is not bonded to the backing layer 22.

The urine-absorbent pad 20 is used in combination with a disposable diaper 1 (shown in Figs. 2 and 3) one over the other, with the former placed inside of the latter. The disposable diaper 1 has the shape of an hourglass and consists of a front part 1A (faces the abdomen of the wearer in use), a rear part 1B (faces the hip or back of the wearer in use), and a middle part 1C (faces the groin in use).

The disposable diaper 1 has a liquid-permeable inner layer 2 and a liquid-impermeable outer layer 3, with an absorbent body 4 interposed between them. The absorbent body 4, which has the shape of an hourglass, is formed from crushed pulp or a mixture of crushed pulp and SAP and is enclosed with an absorbing sheet such as tissue.

The middle part 1C of the disposable diaper 1 has longitudinally extending elastic bodies 5 at its side edges and between the inner layer 2 and the outer layer 3, so that the elastic bodies 5 form gathers 6 when they shrink.

The inner layer 2 of the rear part 1B has fasteners (hooks) 7 at its edges. The outer layer 3 of the front part 1A also has fasteners (piles) 8. To wear the disposable diaper 1, the fasteners 7 and 8 are engaged with each other around the waist of the wearer.

Although the disposable diaper 1 described herein is an example of the open type, the urine-absorbent pad 20 of the invention may also be used in combination with a disposable

diaper of the pants type in which the front part **1A** and the rear part **1B** are bonded together at their edges.

If the user can frequently change the absorbent pad, for example, during the daytime, the urine-absorbent pad **20** is used with the covering sheet **27**

Delete page 11 and insert the following new page 11:

reference to **Fig. 4**. The excess urine which is not absorbed by the absorbent core **23** of the urine-absorbent pad **20** passes through the openings **22a** to be absorbed by the absorbent body **4** of the disposable diaper **1**. Thus, it is possible to cope with frequent episodes of incontinence.

In another embodiment of the absorbent article of the invention, the urine-absorbent pad may be modified as shown in **Figs. 6(A)** and **6(B)**. **Fig. 6(A)** is a plan view of the urine-absorbent pad, as viewed from the backing layer. **Fig. 6(B)** is a plan view of the urine-absorbent pad, with the covering sheet removed.

A urine-absorbent pad **30** shown in **Fig. 6(A)** is similar in structure to the urine-absorbent pad **20** shown in **Fig. 1(A)**. It has a facing layer and a backing layer, with an absorbent core interposed between them, and has gathers (formed by elastic members extending in the Y direction) on both of the side areas thereof. Therefore, it is made of the same materials and is used in the same manner as the absorbent pads described above.

The urine-absorbent pad **30** has a backing layer **31** which is made of liquid-impermeable resin film (such as polyolefin), similar to the backing layer **22** of the urine-absorbent pad **20**. The backing layer **31** has a number of openings **31a** which almost

entirely cover the absorbent core (or absorbing area), as shown in Fig. 6(B). In other words, this embodiment is constructed such that the liquid passing area (b) substantially coincides with the absorbing area (the area containing the absorbent core). Incidentally, the openings 31a may be formed in the entire area of the backing layer 31 although they are confined to the absorbing area in this particular embodiment.

Each of the openings 31a are preferably circular, with a diameter larger than 0.5 mm, preferably larger than 1 mm. The openings 31a are preferably arranged with a pitch greater than 1 mm, preferably greater than 1.5 mm. The advantage of establishing the size and pitch of the openings 31a as described above is that the liquid-passing area (b) of the urine-absorbent pad 30 can be recognized visibly. This avoids the possibility of mistaking an ordinary urine-absorbent pad, in which the backing layer does not have the liquid-passing area, for one of the invention.

Page 12, delete the first full paragraph and insert the following new first paragraph:

In the case of the urine-absorbent pad 30 in which the openings 31a are formed so as to almost entirely cover the absorbent core (or the absorbing area), it is necessary to provide an adhesive layer 32 as described below to ensure proper adhesion between the backing layer 31 of the urine-absorbent pad 30 and the inner layer 2 of the disposable diaper 1. Thus, the adhesive layer 32 is preferably formed in the absorbing area (or the area in which the absorbent core exits). Assuming that the area in which the adhesive layer 32 is formed has dimensions of L1 by W1,

the length **L1** (Y direction) should be equal to or smaller than the length **L0** of the absorbent core but greater than 50% of the length **L0**. In addition, it is preferred that the total area of the adhesive layer **32** is less than 60% of the area of the absorbent core in order to ensure the smooth flow of urine from the backing layer **31** to the disposable diaper **1**.

Page 13, delete the first full paragraph and insert the following new first paragraph:

The openings may be positioned and shaped as shown in **Figs. 7(A)** and **7(B)**. In **Fig. 7(A)**, comparatively large round (or elliptic) holes **31b** are formed in a line extending in the lengthwise direction (Y direction) and approximately at the center of the urine-absorbent pad. In **Fig. 7(B)**, one large hole **31c** is formed almost equal to the absorbing area (or the area in which the absorbent core exists).

Delete the last line on page 13.

Page 14, delete the first 2 lines and insert the following new lines:

Incidentally, the coating pattern of the first adhesive layer **42** is not limited to a striped pattern, but may take on any shape, such as dots or spirals.

Page 14, delete the third full paragraph and insert the following new third paragraph:

The first adhesive layer 42 and the second adhesive layers 43, as described above, prevent the covering sheet 44 from inadvertently being removed or peeled off, because the side portions of the covering sheet 44 are attached to the backing layer 41 by the second adhesive layers 43. When the covering sheet 44 is removed from the backing layer 41, the first adhesive layer 42 (in a striped pattern) appears at the center (in the widthwise direction) of the backing layer 41 and adheres to the inside of the disposable diaper 1, thereby preventing the urine-absorbent pad

Page 15, delete the second full paragraph and insert the following new second paragraph:

A third adhesive layer 45 as a third adhesive means may be formed on the covering sheet 44 as shown in Fig. 8(A). When the urine-absorbent pad 40 is used with the covering sheet 44 attached, and in combination with the disposable diaper 1, the inner layer 2 of the diaper 1 is fastened (bonded) to the third adhesive layer 45 so that the urine-absorbent pad 40 stays in position. It is important that the adhesive force of the third adhesive layer 45, when applied to the inner layer 2, is weaker than that of the second adhesive layers 43 applied to the covering sheet 44. This embodiment aids in preventing inadvertent removal of the covering sheet 44 from the backing layer 41 when the urine-absorbent pad 40 is removed from the disposable diaper 1.

Page 16, delete the last paragraph and insert the following paragraph:

As used herein, "comprises" and all its grammatical forms specifies the presence of stated features, integers, steps or components, but does not preclude the presence or addition of one or more other features, integers, steps, components or groups thereof.

**IN THE CLAIMS:**

Please amend the claims pursuant to 37 C.F.R. §1.121 as follows (see the accompanying "marked up" version pursuant to 1.121):

Cancel claims 1-3, 5, 7, 10-14, 16 and 17.

4. (Amended) The absorbent article of Claim 21, wherein the opening is located within an absorbing area of the article which corresponds to a plan configuration of the absorbent core.

6. (Amended) The absorbent article of Claim 4, wherein the backing layer has a plurality of the openings substantially at the center of the absorbing area.

8. (Amended) The absorbent article of Claim 6, wherein the first adhesive means is located within the absorbing area and surrounds the openings.

9. (Amended) The absorbent article of Claim 21, wherein the first adhesive means is an adhesive.

15. (Amended) The absorbent article of Claim 22, wherein the first adhesive means is an adhesive in a striped pattern.

18. (Amended) The absorbent article of Claim 24, wherein the first adhesive means is an adhesive in a striped pattern.

19. (Amended) The absorbent article of Claim 23, wherein the covering sheet comprises  
a third adhesive means which exhibits an adhesive force to another  
absorbent article when the absorbent article is applied to the other absorbent  
article without removing the covering sheet,

wherein the adhesive force of the third adhesive means to another  
absorbent article is weaker than the adhesive force of the second adhesive means  
to the covering sheet.

20. (Amended) The absorbent article of Claim 25, wherein the covering sheet comprises  
a third adhesive means which exhibits an adhesive force to the other  
absorbent article when the absorbent article is applied to the other absorbent  
article without removing the covering sheet,

wherein the adhesive force of the third adhesive means to the other  
absorbent article is weaker than the adhesive force of the second adhesive means  
to the covering sheet.



21. (New) An absorbent article for wear inside another absorbent article, comprising:

a liquid-permeable facing layer which faces a wearer in use;

a backing layer which faces the other absorbent article in use, the backing layer being formed of a liquid-impermeable sheet and having at least one opening made therein;

an absorbent core interposed between the facing layer and the backing layer;

first adhesive means disposed on the backing layer;

a liquid-impermeable covering sheet removably attached to the backing layer through the first adhesive means to thereby close the opening; and

second adhesive means disposed on the backing layer, which faces away from the covering sheet which is held in place through the first adhesive means and faces the other absorbent article when in use to thereby exhibit an adhesive force to the surface of the other absorbent article;

wherein when the covering sheet is removed during use, the first adhesive means exhibits an adhesive force to the surface of the another absorbent article.

22. (New) An absorbent article for wear inside another absorbent article, comprising:

a liquid-permeable facing layer which faces a wearer in use;

a liquid-permeable backing layer which faces the another absorbent article in use; an absorbent core interposed between the facing layer and the backing layer;

first and second adhesive means disposed on the backing layer, the second adhesive means being located on both sides of the absorbent article lying opposite one another in a widthwise direction thereof, the first adhesive means being located closer to a center of the absorbent article in the widthwise direction thereof than the second adhesive means; and

a liquid-impermeable covering sheet removably attached to the backing layer through the first and second adhesive means to thereby cover the entire surface of the backing layer, an adhesive force of the second adhesive means to the covering sheet being stronger than an adhesive force of the first adhesive means to the covering sheet;

wherein when the covering sheet is removed to expose both the first and second adhesive means during use, the first adhesive means exhibits a stronger adhesive force to the other absorbent article than the second adhesive means.

23. (New) The absorbent article of claim 22, wherein the second adhesive means is a hot-melt adhesive.

24. (New) An absorbent article to be worn inside of another absorbent article, comprising:

a liquid-permeable facing layer which faces a wearer during use;

a liquid-permeable backing layer which faces the other absorbent article during use;

an absorbent core interposed between the facing layer and the backing layer;

liquid-impermeable side sheets bonded to both sides of the backing layer lying opposite one another in a widthwise direction of the absorbent article;

first adhesive means disposed on the backing layer;

second adhesive means disposed on the side sheets; and

a liquid-impermeable covering sheet removably attached to the backing layer and the side sheets through the first and second adhesive means to thereby cover an entire surface of the backing layer, an adhesive force of the second adhesive means to the covering sheet being stronger than an adhesive force of the first adhesive means to the covering sheet;

wherein when the covering sheet is removed to expose both the first and second adhesive means during use, the first adhesive means exhibits a stronger adhesive force to the another absorbent article than the second adhesive.

25. (New) The absorbent article of claim 24, wherein the second adhesive means is a hot-melt adhesive.

## REMARKS

Claims 1-20 are pending in the present application. Claims 4, 6, 8, 9, 15 and 18-20 have been amended. The Specification has been amended. Claims 1-3, 5, 7, 10-14, 16 and 17 have been cancelled. Claims 21-25 have been added. No new matter has been added by way of this amendment. Reconsideration and withdrawal of the prior rejections are respectfully requested.

The Examiner has objected to the Abstract of the Disclosure. In response to this objection, Applicants have submitted a Substitute Abstract which addresses each of the specific points raised by the Examiner. Reconsideration and withdrawal of this ground of rejection are therefore respectfully requested.

The Examiner has object to the drawings (see requirements at page 2 of the Office Action, Figs. 1A-2, 3, 4, 5, 6A, and 8A-9). However, at this time the drawings have not been amended because Applicant requests clarification of the specific objections. For example, what is meant by "in Figures 1A and 2 the line from 23 should be dashed? Accordingly, Applicants request permission to respond to these objections after further input from the Examiner.

The specification has also been objected to on the grounds that it does not conform to 35 U.S.C. §112, 1<sup>st</sup> ¶. In response to this ground of objection, Applicants have reviewed and revised the specification to place it in conformance with the requirements of 35 U.S.C. §112, 1<sup>st</sup> ¶. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

The Summary of the Disclosure has also been objected to on the grounds that the description of the invention as claimed and the dependent claims are not commensurate in scope. In response to this ground of objection, Applicants have reviewed and revised the specification commensurate with the objections under 35 U.S.C. §112, 1<sup>st</sup> ¶ such that the description of the invention as claimed and the dependent claims are now commensurate in scope. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 1-20 stand objected to because of certain informalities. According to the Examiner, in claim 1, line 2, "which faces the wearer" should be --which faces a wearer in use--. In addition, the Examiner is requiring alternative language in claims 19 and 20. Claim 1 has been canceled and claims 19 and 20 have been amended to address the objection raised by the Examiner. Accordingly, reconsideration and withdrawal of this rejection are also requested.

Claims 1-11 and 17-18 stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to this ground of rejection, Applicants have amended the claims, where appropriate, in a manner which addresses and is believed to resolve each of the cited informalities. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1-6 and 11-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by *The P&G Company*, (EP '314). Claims 12-16 stand rejected under 35 U.S.C. §1029b) as being

anticipated by U.S. Patent No. 4,405,310 to *Karami*. Claims 1, 7, 9-14, 16-17 and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,460,624 to *Ahr et al.*, while claims 15-18 stand rejected under 35 U.S.C. §103(a) as obvious over the same reference. Claims 1-12 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. H1724 to *Ahr*. These several rejection are traversed.

Newly added independent claim 21 corresponds to original dependent claim 11 (now canceled), but is further limited to clarify the function of the second adhesive means (adhesive layer 28 shown in Fig. 1(c) of the drawings). With the second adhesive means, the absorbent article of the invention can be secured inside of the other absorbent article, even when the covering sheet is not removed. More specifically, since the second adhesive means is disposed such that it faces away from the covering sheet, it is unnecessary to establish different levels of adhesive forces between the first and second adhesive means. In contrast, if the second adhesive means were disposed such that it faced the covering sheet, then the adhesive force of the second adhesive means would be required to be weaker than that of the first adhesive means to prevent the covering sheet from being accidentally removed (see page 8, lines 12 - 17 of the specification). None of the cited references disclose adhesive means as set forth in newly added independent claim 21.

Newly added independent claims 22 and 24 respectively correspond to originally filed dependent claims 14 and 17 (now canceled). Claims 22 and 24, however, are further limited to clarify that the second adhesive means sticks much stronger to the covering sheet than the first adhesive means, but will not stick strongly to the other absorbent article once the covering sheet has

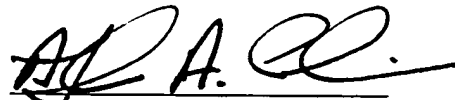
been removed. However, neither *Karami* '310 nor *Ahr* '624 discloses such second adhesive means as described in new claims 22 and 24.

In sum, none of the cited references teach or suggest, either individually or in combination, the invention as set forth in newly added independent claims 21, 22 and 24. Accordingly, in view of the differences between the present invention and the cited reference, reconsideration and withdrawal of the rejections are respectively requested.

In light of the patentability of independent claims 21, 22 and 24, for the reasons above, dependent claims 4, 6, 8, 9, 15, 18-20, 23 and 25 are patentable over the prior art of record.

Each and every point raised in the Office Action dated August 30, 2001 has been addressed on the basis of the above remarks. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with the Applicants' attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



Alphonso A. Collins  
Registration No. 43,559  
Attorney for Applicant(s)

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## ABSTRACT OF THE DISCLOSURE

An absorbent article for wear inside of another absorbent article, which has a liquid-permeable facing layer that faces the wearer, a backing layer that faces another absorbent article. The backing layer is formed from a liquid-impermeable sheet and has at least one opening made therein. Alternatively, the backing layer is formed from a liquid-permeable sheet and an absorbent core which is interposed between the facing layer and the backing layer.



## ABSTRACT OF THE DISCLOSURE

An absorbent article [to be worn] for wear inside of another absorbent article, which has a liquid-permeable facing layer that faces the wearer, a backing layer that faces another absorbent article[,]. The [the] backing layer is formed from a liquid-impermeable sheet and [having] has at least one opening made therein. [or, alternatively] Alternatively, the backing layer is formed from a liquid-permeable sheet[,], and an absorbent core which is interposed between the facing layer and the backing layer.

EXPRESS MAIL CERTIFICATE

Date 11/29/01 Label No. EU 004808637 *ES*

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service and that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

*A. DiMillo* *A. DiMillo*  
Name (Print) Signature

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Docket No: 2309/0F390

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Yoshihisa FUJIOKA et al.

Serial No.: 09/274,197

Art Unit: 3734

Filed: March 22, 1999

Examiner: REICHLE, K.

For: ABSORBENT ARTICLE FOR PREVENTION OF SIDEWARD LEAK

November 29, 2001

**MARK-UP FOR AMENDMENT OF NOVEMBER 29, 2001**  
**PURSUANT TO 37 C.F.R. §1.121**

Commissioner of Patents  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

**IN THE SPECIFICATION:**

Delete page 1, and insert the following new page 1:

**ABSORBENT ARTICLE FOR PREVENTION**  
**OF SIDEWARD LEAK**

## FIELD OF THE INVENTION

The present invention relates to an absorbent article, including urine-absorbent pads, which is used inside a disposable diaper, and a sanitary napkin which is laid on top of the article to provide an absorbent article which exhibits excellent liquid-absorbing properties.

## BACKGROUND OF THE INVENTION

A common means for caring for individuals suffering from incontinence is the use of an absorbent article, such as a urine-absorbent pad, worn inside a disposable diaper. A conventional urine-absorbent pad contains a facing layer and a backing layer, with an absorbent core interposed between the layers. The facing layer, which faces the wearer [in] during use, is liquid-permeable. The backing layer, which faces the disposable diaper [in] during use, is liquid-impermeable. The absorbent core is formed from crushed pulp or a mixture of crushed pulp and super absorbent polymer (SAP). In addition, the urine-absorbent pad has an adhesive layer which sticks to the inside of the disposable diaper [so as to prevent] for preventing the urine-absorbent pad from slipping out of place in the disposable diaper.

The urine-absorbent pad receives a liquid insult directly in the case of an incontinence episode, and has the capacity to retain an amount of urine excreted by an adult during one or two incontinence episodes. The pad must be replaced as it is saturated with urine, which depends on the frequency of episodes, in order to prevent liquid from moving to the disposable diaper. Thus, it is possible to avoid the replacement of the disposable diaper by frequently changing the wet pad. However, this is not always possible, such as during periods of sleep, when the urine-absorbent pad

is left in place for a long time. After repeated liquid insults, the urine-absorbent pad cannot absorb additional liquid, which results in excess liquid leaking from the pad.

The problem is that the excess liquid flows to the side or periphery

Delete page two and insert the following new page 2:

(which is in contact with the groin) rather than to the center of the disposable diaper (absorbent area of the disposable diaper), because the backing layer of the urine-absorbent pad is impermeable to liquid and faces the center of the disposable diaper. The periphery of the conventional disposable diaper does not [sufficiently] absorb urine sufficiently, thereby causing it to leak at the sides of the diaper, which results in wet clothes or sheets. This same problem also occurs if two sanitary napkins are worn together on top of each other.

#### SUMMARY OF THE INVENTION

The present invention provides an absorbent article that prevents liquid from leaking from the sides of the article.

The invention further provides an absorbent article which efficiently absorbs liquid when used in combination with another absorbent article.

In one embodiment of the invention, a first absorbent article is worn inside of a second absorbent article, wherein the first article contains a liquid-permeable facing layer which is in contact with the wearer, and a backing layer which is in contact with a second absorbent article[.]. Here, the backing layer [being] is formed from a liquid-impermeable sheet and [having] has at least

one opening made therein[, and] In addition, an absorbent core is interposed between the facing layer and the backing layer.

In another embodiment of the invention, a first absorbent article is worn inside of a second absorbent article, wherein the first article contains a liquid-permeable facing layer which is in contact with the wearer, and a liquid-permeable backing layer which is in contact with the second article, and an absorbent core interposed between the facing layer and the backing layer.

The absorbent article of the present invention is designed [to be worn] for wear inside of another absorbent article such as a disposable diaper, urine-absorbent pad, or sanitary napkin. The absorbent article absorbs a certain amount of liquid by the absorbent core but permits excess liquid which remains unabsorbed by the core to pass through the backing layer for absorption by another absorbent article such as a

Delete page 3 and insert the following new page 3:

disposable diaper. Accordingly, the leakage of excess liquid from the side of the absorbent article is prevented.

The absorbent article can be modified such that the backing layer is provided with a liquid-impermeable covering sheet that can be removed at any time when necessary. With the covering sheet on, it stops the flow of urine; with the covering sheet removed, it permits the passage of urine. When frequent [changing] changes of the absorbent article [is] are possible, such as during the daytime, it may be used with the covering sheet attached to prevent frequent replacement of the second absorbent article[, such as] (e.g., a disposable diaper)[,] used in combination with absorbent

article. When frequent [changing is] changes are unlikely, such as during periods of sleep, the absorbent article may be used with the covering sheet removed, thereby absorbing liquid efficiently and securely in combination with another absorbent article.

The absorbent article can be modified such that the backing layer is provided with an adhesive means for fastening the backing layer to another absorbent article. In such a structure, the absorbent article will not slip out of place, and the movement of liquid to the other absorbent article is ensured.

#### BRIEF DESCRIPTION OF THE DRAWINGS

**Fig. 1(A)** is a perspective view showing a urine-absorbent pad as an example of an absorbent article according to the invention[.];

**Fig. 1(B)** is a plan view of the urine-absorbent pad shown in **Fig. 1(A)**, as viewed from a backing layer, with a covering sheet attached[.];

**Fig. 1(C)** is a plan view of the urine-absorbent pad shown in **Fig. 1(B)**, as viewed from the backing layer, with the covering sheet removed[.];

**Fig. 2** is a perspective view which illustrates how the urine-absorbent pad of **Fig. 1(A)** is used in combination with a disposable diaper[.];

**Fig. 3** is a plan view which illustrates how the urine-absorbent pad shown in **Fig. 1(A)** is used in combination with a disposable diaper[.];

**Fig. 4** is a schematic sectional view taken along the line IV-IV in **Fig. 3**[.];

Delete page 4 and insert the following new page 4:

**Fig. 5** is a perspective view of the urine-absorbent pad shown in **Fig. 1(A)** which is folded for use by a man, with its shape [so] modified so as to enclose a penis[.];

**Fig. 6(A)** is a plan view of a urine-absorbent pad as another example of the absorbent article according to the invention, as viewed from a backing layer, with a covering sheet attached[.];

**Fig. 6(B)** is a plan view of the urine-absorbent pad shown in **Fig. 6(A)**, as viewed from the backing layer, with the covering sheet removed[.];

**Figs. 7(A) and 7(B)** are perspective views of examples of openings[.];

**Fig. 8(A)** is a plan view of a urine-absorbent pad as another example of the absorbent article according to the present invention, as viewed from a backing layer, with a covering sheet attached[.];

**Fig. 8(B)** is a plan view of the urine-absorbent pad shown in **Fig. 8(A)**, as viewed from the backing layer, with the covering sheet removed[.]; and

**Fig. 9** is a plan view of another embodiment of the urine-absorbent pad shown in **Fig. 8(A)**, with the covering sheet removed.

#### DETAILED DESCRIPTION OF THE INVENTION

A urine-absorbent pad, as an example of one embodiment of the absorbent article according to the invention, is shown in **Fig. 1(A)** (perspective view), **Fig. 1(B)** (plan view as viewed from a backing layer, with a covering sheet attached), and **Fig. 1(C)** (plan view as viewed from the backing layer, with the covering sheet removed).

The urine-absorbent pad 20 comprises a liquid-permeable facing layer 21 which faces the wearer [in] during use, and a backing layer 22, which faces a disposable diaper [in] during use, and an absorbent core 23 which is interposed between the two layers.

The facing layer 21 can be made from a nonwoven fabric of hydrophilic fibers hydrophobic fibers containing a hydrophilic surfactant, or the like[.,].

Delete page 5 and insert the following new page 5:

[which] The facing layer 21 can be formed by various processes such as point bonding, through-air bonding, spun bonding, or spun lacing.

The backing layer 22 is made of a liquid-impermeable, breathable sheet of resin, such as polyolefin.

The absorbent core 23 is formed from crushed pulp or a mixture of crushed pulp and Super-Absorbent Polymer (SAP), and is covered with an absorbing sheet 23a such as tissue. (See Fig. 4.) The Sap can be made of polyacrylic acid, sodium polyacrylate, polyacrylamide, polyacrylonitrile, polyvinyl alcohol, an addition polymer of maleic anhydride, a polyether, a condensed polymer, a polysaccharide such as starch or cellulose, a protein such as collagen and the like. Examples of the SAPs include a cross-linked compound of sodium polyacrylate, a graft copolymer of starch having sodium polyacrylate and a graft copolymer of cellulose having polyacrylonitrile chains.

The absorbent core 23 is rectangular in shape as indicated by the dotted lines in Figs. 1(B) and 1(C). It may also take on an hourglass shape. With the absorbent core 23 interposed



between the facing layer 21 and the backing layer 22, the layers are then bonded together with a hot-melt adhesive, or the like, along the periphery of the absorbent core 23.

As used herein, the "absorbing area" refers to the area which is surrounded by the dotted lines in Figs. 1(B) and 1(C) and the area of the absorbent core 23.

The urine-absorbent pad 20 has elastic members 24 which are disposed between the facing layer 21 and the backing layer 22 and extend in the lengthwise direction (Y direction) of the urine-absorbent pad 20. The elastic members 24 exist in side areas where the absorbent core 23 is absent (i.e., outside of the absorbing area in the widthwise direction (X direction) of the urine-absorbent pad 20). The elastic members 24 are bonded to the facing layer 21 and the backing layer 22 [in its] when stretched [state] in the Y direction (with a certain [per cent] elongation percentage). In their free state, they shrink in the Y direction, causing the facing layer 21 and the backing layer 22 to form gathers 25 on both [the] side areas of the urine-absorbent pad 20 in the X direction.

Delete page 6, and insert the following new page 6:

As shown in Fig. 1(C), the backing layer 22 is made of a liquid-impermeable resin sheet and has openings 22a, through which openings the absorbing sheet 23a (e.g., tissue) covering the absorbent core 23 is exposed. In this embodiment, the openings 22a constitute liquid-passing areas indicated by (a).

The openings 22a (or the liquid-passing areas (a)) are arranged side by side approximately at the center of the absorbing area in the widthwise direction (X direction) and are

elongated parallel to each other in the lengthwise direction (Y direction). In other words, they are situated substantially at the center of the absorbing area. The area of the openings 22a is smaller than that of the absorbing area.

The backing layer 22 has an adhesive layer 26 as an adhesive means. The adhesive layer 26 is formed on the backing layer 22 in such a way as to surround the openings 22a individually. This adhesive layer 26 aids in fastening a covering sheet 27 to the outside of the backing layer 22, as shown in Fig. 1(B). Thus the covering sheet 27 closes the openings 22a. In other words, the adhesive layer 26 surrounds the openings 22a completely, and the covering sheet 27 is bonded to this adhesive layer 26. Therefore, with the covering sheet 27 attached, the liquid-passing areas (a) are closed and the backing layer 22 of the urine-absorbent pad 20 prevents liquid from passing through.

The covering sheet 27 is made of a liquid-impermeable and breathable sheet of resin such as polyolefin, like the backing layer 22. The adhesive layer 26 is formed from a gum adhesive or acrylic resin[,] to permit removal of the covering sheet 27 [to be removed] at any time from the backing layer 22, and retains a certain adhesive power even after the covering sheet 27 has been removed. When the urine-absorbent pad 20 is used in combination with a disposable diaper, the adhesive layer 26 (with the

Delete page 7 and insert the following new page 7:

covering sheet 27 removed) adheres to the inside of the disposable diaper[, thereby preventing] As a result, the urine-absorbent pad 20 is prevented from slipping out of place. In addition, because the

urine-absorbent pad 20 is in contact with the disposable diaper, the passage of urine to the disposable diaper is secured.

The covering sheet 27 has a tab 27a formed at its end. This tab 27a is not bonded to the backing layer 22.

The urine-absorbent pad 20 is used in combination with a disposable diaper 1 (shown in Figs. 2 and 3) one over the other, with the former placed inside of the latter. The disposable diaper 1 has the shape of an hourglass and consists of a front part 1A (faces the abdomen of the wearer in use), a rear part 1B (faces the hip or back of the wearer in use), and a middle part 1C (faces the groin in use).

The disposable diaper 1 has a liquid-permeable inner layer 2 and a liquid-impermeable outer layer 3, with an absorbent body 4 interposed between them. The absorbent body 4, which has the shape of an hourglass, is formed from crushed pulp or a mixture of crushed pulp and SAP and is enclosed with an absorbing sheet such as tissue.

The middle part 1C of the disposable diaper 1 has longitudinally extending elastic bodies 5 at its side edges and between the inner layer 2 and the outer layer 3, so that the elastic bodies 5 form gathers 6 when they shrink.

The inner layer 2 of the rear part 1B has fasteners (hooks) 7 at its edges. The outer layer 3 of the front part 1A also has fasteners (piles) 8. To wear the disposable diaper 1, the fasteners 7 and 8 are engaged with each other around the waist of the wearer.

Although the disposable diaper 1 described herein is an example of the open type, the urine-absorbent pad 20 of the invention may also be used in combination with a disposable diaper

of the pants type in which the front part 1A and the rear part 1B are bonded together at their edges.

If the user can frequently change the absorbent pad, for example, during the daytime, the urine-absorbent pad 20 is used with the covering sheet 27

Delete page 11 and insert the following new page 11:

reference to Fig. 4. The excess urine which is not absorbed by the absorbent core 23 of the urine-absorbent pad 20 passes through the openings 22a to be absorbed by the absorbent body 4 of the disposable diaper 1. Thus, it is possible to cope with frequent episodes of incontinence.

In another embodiment of the absorbent article of the invention, the urine-absorbent pad may be modified as shown in Figs. 6(A) and 6(B). Fig. 6(A) is a plan view of the urine-absorbent pad, as viewed from the backing layer. Fig. 6(B) is a plan view of the urine-absorbent pad, with the covering sheet removed.

A urine-absorbent pad 30 shown in Fig. 6(A) is similar in structure to the urine-absorbent pad 20 shown in Fig. 1(A). It has a facing layer and a backing layer, with an absorbent core interposed between them, and has gathers (formed by elastic members extending in the Y direction) on both of the side areas thereof. Therefore, it is made of the same materials and is used in the same manner as the absorbent pads described above.

The urine-absorbent pad 30 has a backing layer 31 which is made of liquid-impermeable resin film (such as polyolefin), similar to the backing layer 22 of the urine-absorbent pad 20. The backing layer 31 has a number of openings 31a which almost entirely cover the absorbent core (or absorbing area) [almost entirely], as shown in Fig. 6(B). In other words,

this embodiment is constructed such that the liquid passing area (b) substantially coincides [substantially] with the absorbing area (the area containing the absorbent core). Incidentally, the openings 31a may be formed in the entire area of the backing layer 31 although they are confined to the absorbing area in [the] this particular embodiment.

Each of the openings 31a are preferably circular, with a diameter larger than 0.5 mm, preferably larger than 1 mm. The openings 31a are preferably arranged with a pitch greater than 1 mm, preferably greater than 1.5 mm. The advantage of establishing the size and pitch of the openings 31a as described above is that the liquid-passing area (b) of the urine-absorbent pad 30 can be recognized visibly. This avoids the possibility of mistaking an ordinary urine-absorbent pad, in which the backing layer does not have the liquid-passing area, for one of the invention.

Page 12, delete the first full paragraph and insert the following new first paragraph:

In the case of the urine-absorbent pad 30 in which the openings 31a are [so] formed so as to almost entirely cover the absorbent core (or the absorbing area) [almost entirely], it is necessary to provide an adhesive layer 32 as described below to ensure proper adhesion between the backing layer 31 of the urine-absorbent pad 30 and the inner layer 2 of the disposable diaper 1. Thus, the adhesive layer 32 is preferably formed in the absorbing area (or the area in which the absorbent core exits). Assuming that the area in which the adhesive layer 32 is formed has dimensions of L1 by W1, the length L1 (Y direction) should be equal to or smaller than the length L0 of the absorbent core but greater than 50% of the length L0. In addition, it is preferred that the total area of the adhesive layer 32 is less than 60% of the area of the absorbent core in order to ensure

the smooth flow of urine from the backing layer 31 to the disposable diaper 1.

Page 13, delete the first full paragraph and insert the following new first paragraph:

The openings may be positioned and shaped as shown in Figs. 7(A) and 7(B). In Fig. 7(A), comparatively large round (or elliptic) holes 31b are formed in a line extending in the lengthwise direction (Y direction) and approximately at the center of the urine-absorbent pad. In Fig. 7(B), one large hole 31c is formed almost equal to the absorbing area (or the area in which the absorbent core exists).

Delete the last line on page 13.

Page 14, delete the first 2 lines and insert the following new lines:

Incidentally, the coating pattern of the first adhesive layer 42 is not limited to a striped pattern, but may take on any shape, such as[, for example,] dots or spirals.

Page 14, delete the third full paragraph and insert the following new third paragraph:

The first adhesive layer 42 and the second adhesive layers 43, as described above, prevent the covering sheet 44 from inadvertently being removed or [peeling] peeled off, because the side portions of the covering sheet 44 are attached to the backing layer 41 by the second adhesive layers 43. When the covering sheet 44 is removed from the backing layer 41, the first adhesive layer 42 (in a striped pattern) appears at the center (in the widthwise direction) of the backing layer 41 and

adheres to the inside of the disposable diaper 1, thereby preventing the urine-absorbent pad

Page 15, delete the second full paragraph and insert the following new second paragraph:

A third adhesive layer 45 as a third adhesive means may be formed on the covering sheet 44 as shown in Fig. 8(A). When the urine-absorbent pad 40 is used with the covering sheet 44 attached, and in combination with the disposable diaper 1, the inner layer 2 of the diaper 1 is fastened (bonded) to the third adhesive layer 45 so that the urine-absorbent pad 40 stays in position. It is important that the adhesive force of the third adhesive layer 45, when applied to the inner layer 2, is weaker than that of the second adhesive layers 43 applied to the covering sheet 44. This embodiment aids in preventing inadvertent removal of the covering sheet 44 [from inadvertent removal] from the backing layer 41 when the urine-absorbent pad 40 is removed from the disposable diaper 1.

Page 16, delete the last paragraph and insert the following paragraph:

As used herein, “comprises” and all its grammatical forms specifies the presence of stated features, integers, steps or components, but [dose] does not preclude the presence or addition of one or more other features, integers, steps, components or groups thereof.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yoshihisa FUJIOKA et al.

Serial No.: 09/274,197

Group Art Unit: 3734

Filed: March 22, 1999

Examiner:

For: ABSORBENT ARTICLE FOR PREVENTION OF SIDEWARD LEAK

**STATUS REQUEST**

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

**RECEIVED**  
OCT 08 2002  
TECHNOLOGY CENTER

Sir:

We have not received any communication or an official action from the Examiner within the last six months in connection with the above-identified patent application. Please let us know the status of this case.

Respectfully submitted,

Dated: July 8, 2002



Alfonso A. Collins  
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Attorney for Applicant(s)

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OCT 07 2002  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,197	03/22/1999	YOSHIHISA FUJIOKA	2309/0F390	8108

7590 09/13/2002  
DARBY & DARBY  
805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

TO: AAC

ATTY REVIEWED

DATE: 1/2/02

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

09/274,197

Applicant(s)

FUJIOKA ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

All participants (applicant, applicant's representative, PTO personnel):

(1) Karin M. Reichle.

(3) \_\_\_\_\_.

(2) Alphonso Collins.

(4) \_\_\_\_\_.

Date of Interview: 09 September 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: n/a.

Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was contacted to verify abandoned status of file. Applicant told Examiner that the last Communication from the Office had never been received and that a status letter had been filed in 7-02. Applicant was advised to file a petition under 1.81 providing evidence of nonreceipt so that the Office Action can be remailed and the period for response restarted.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

K.M. Reichle  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.